

**MINUTES**

**MONTANA SENATE  
57th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON LEGISLATIVE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DUANE GRIMES**, on January 18, 2001 at  
5:00 P.M., in Room 350 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Duane Grimes, Chairman (R)  
Sen. John Cobb, Vice Chairman (R)  
Sen. Tom A. Beck (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Dan Harrington (D)  
Sen. Mignon Waterman (D)

**Members Excused:** Sen. Dale Mahlum (R)

**Members Absent:** None.

**Staff Present:** Lois Menzies, Exec. Director, Legislative Staff  
Mary Gay Wells, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 11, 1/16/2001  
SB 124, 1/16/2001  
SB 180, 1/16/2001  
SB 212, 1/16/2001

Executive Action: SB 11 Do Pass  
SB 180 Do Pass  
SB 124 Tabled

***{Tape : 1; Side : A; Approx. Time Counter : 0}***

## HEARING ON SB 212

**Sponsor:** SEN. DEBBIE SHEA, SD 18, BUTTE

**Proponents:** Rick Deady, Student  
SEN. DAN HARRINGTON, SD 19  
SEN. MIGNON WATERMAN, SD 26

**Opponents:** None

### **Opening Statement by Sponsor:**

**SEN. DEBBIE SHEA, SD 18, BUTTE.** I was a school teacher for 26 years. As a teacher I would look for every resource available besides text books. I brought students to Helena to meet with the governor and to see first hand how their government worked. Recently, I had an opportunity to visit with former Governor Babcock and I introduced him to a young man from Butte doing legislative bill distribution. Governor Babcock's remarks were that this young man would receive at least a year's worth of knowledge from his experience here. I would like to give you this handout detailing current statutes on interns

**EXHIBIT (les14a01).** These statutes are in place but no one takes advantage of them. This is due to a lack of funds. The Legislative Council felt that a per diem would be better than a salary. This would be available to all college students. One from each school every other year would have the opportunity to come and participate in the process. The reason a per diem was chosen was because many students who go to college have Pell grants and salaries could jeopardize those grants whereas per diem would not. This would be an appropriation in HB 1.

### **Proponents' Testimony:**

**Rick Deady, Student.** In 1979, as a student at Northern Montana State College, I served as an intern. It was a very valuable experience. My major was in history and social science in education. I took some independent studies and gained 10 quarter credits for my internship, plus I challenged two of my history courses and carried a full 18 credits at Northern while being here in Helena as an intern. Northern was willing to work with me so I didn't have to lose any college time. When I was an intern, the Legislative Council paid us for 20 hours a week. The necessary remaining funds came from the college or from our own pocket. There were 12 interns in the 1979 Session. There was one from each of the four year colleges and one from Great Falls and one from Montana Tech. I would urge you to adopt this bill because I believe that it would encourage more students to be an intern for a semester and gain invaluable knowledge.

**SEN. DAN HARRINGTON.** Beginning in 1979, I had an intern and continued on in 1981, 1983, 1985 and 1987. The schools at that

time provided the funding. It was outstanding to have these young people here working and learning. They covered meetings and do research for the legislators. Receiving this experience is invaluable and they might well return as legislators.

**SEN. MIGNON WATERMAN.** I have an intern at this time and have had an intern every year since I became a legislator. It has been invaluable for me as well as for them. There are rules and agreements that the Legislative Council and I and my intern enter into. All of my interns have received 12 credits with the exception of my present intern and she is receiving three. As a result she is taking classes at Carroll College as well. I have paid my interns per diem for gas, about \$200 a month, and certainly not as much as this bill proposes. It is exceedingly generous. I believe that they should receive a full 12 credits and be here for the full session. A sophomore student can certainly do as well as a junior and I don't know why that stipulation should be employed.

**Opponents' Testimony: None**

**Questions from Committee Members and Responses:**

**SEN. TOM BECK** asked how the appropriations would be handled.

**SEN. SHEA** responded that she understood that coming in as a bill in this manner, it didn't have to start in appropriations. It is not in the feed bill for this session, but would be put in the next session.

**SEN. VICKI COCCHIARELLA** expressed a concern to allow sophomores to be interns and then asked if the bill could be expanded to use interns to do research in other avenues. She was on the Prison Population Estimating Committee and felt that some research needed to be done to facilitate the legislators in their conclusions. **SEN. SHEA** said that she felt sophomores would be a good addition to the bill and she would be amenable to the above suggestion as well as any others.

**SEN. DAN HARRINGTON** said the colleges themselves ran this program before and couldn't understand why they had cut it out. They paid their expenses while the interns were here. The kids had to pay their tuition to get their credits.

**SEN. WATERMAN** said that she would like to add the sophomores but that would probably be outside the title of the bill. She feels that the per diem is quite high and could be lowered.

**SEN. BECK** explained there are two types of per diem. The per diem received during the interim is much less than received during the session.

**CHAIRMAN DUANE GRIMES** asked **SEN. SHEA** to check on the addition of sophomores and check on the per diem, etc. and the Committee will meet again for further discussion.

**Closing by Sponsor:**

**SEN. SHEA** closed.

**HEARING ON SB 11**

**Sponsor:** **SEN. DEBBIE SHEA, SD 18, BUTTE**

**Proponents:** **SEN. TOM BECK, SD 28**

**Opponents:** **None**

**Opening Statement by Sponsor:**

**SEN. DEBBIE SHEA, SD 18, BUTTE.** This bill was requested by the Legislative Council and will serve to revise the laws that relate to the pre-session caucuses and legislative orientation. It came to the attention of the Council about whose role it was to designate the time for the holding of the pre-session caucuses. Section 1 calls for that determination and the make up of the Council is to be equal members from both houses as well as both parties. In Section 2, it allows for leadership as well as those nominated to Legislative Administration, Committee on Committees and Rules Committee to meet prior to the regular session to deal with matters pertinent to the regular session. The clarification and distinction there is the regular session. This is also cleared up in Sub-section 2. In Section 3, it clarifies compensation and expense entitlements for not only pre-session caucuses but also for the legislative orientation.

**Proponents' Testimony:**

**SEN. TOM BECK.** Due to term limits, I feel it is necessary to have the orientation for new legislators.

**Opponents' Testimony:** **None**

**Questions from Committee Members and Responses:**

There were no specific questions, just a few comments about the necessity for the bill.

**Closing by Sponsor:**

SEN. SHEA closed.

**EXECUTIVE ACTION ON SB 11**

**Motion/Vote:** SEN. BECK moved that SB 11 DO PASS. Motion passed unanimously.

**HEARING ON SB 180**

**Sponsor:** SEN. TOM A. BECK, SD 28, DEER LODGE

**Proponents:** None

**Opponents:** None

**Opening Statement by Sponsor:**

SEN. TOM A. BECK, SD 28, DEER LODGE. When a special session of the legislature is necessary, we would like to make it possible to have the Standing Committees hear the bills ahead of the session and get them ready for the session. The purpose of this is to expedite the process.

**Proponents' Testimony:**

**Opponents' Testimony:**

**Questions from Committee Members and Responses:**

SEN. DAN HARRINGTON stated that in the past when a special session was called some legislators who were interested wanted to come and be a part of the pre-session deliberations. They were at least given their expenses. He felt that this type of inclusion would be good.

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**SEN. BECK** responded that he felt those committees would meet the day before the session. But some committees would come in before that to get things going. The bill also includes that members of the legislature are entitled to receive compensation expenses as provided in 5-2-301 for the day prior to beginning of the special session. That would give them an opportunity to sit in and listen. The seventy-two hour notice of scheduling a bill for a hearing would give that chairman the ability to come to Helena in a timely manner to get that bill scheduled. He asked for further explanation from **Lois Menzies**.

**Lois Menzies, Executive Director, Legislative Services Division.**

She said that what is being suggested is correct in that everyone would receive per diem for one day before the session which would allow them to participate on that day. That is broad language being engaged in pre-session business. They usually think of that as meaning committees in leadership. However it could be interpreted broadly to mean other members on approval of leadership.

**SEN. MIGNON WATERMAN** said she had no problem with people being compensated for the day prior to the session, and asked if that was per diem and salary. **Ms. Menzies** said there are two sections of law that are referenced there. In the first sentence in Subsection 3, it references 302 and that compensates a legislator when not in session. In the second sentence, it references 301 and that is the per diem when the legislators are in session. On the day before special session the legislator would be compensated as if he were in session. Any other business that occurred before that day would be compensated as if he were out of session.

**SEN. WATERMAN** was uncomfortable with the first line of Subsection 3 if it is not clear that it is for leadership. Otherwise that would mean anyone could be engaged in pre-session for any number of days. She then asked how can the public be notified of upcoming business when the Legislature is not in session. **SEN. BECK** said that a chairman of a committee would come to Helena and would schedule the bills for hearing previous to the session. The hearing could be the day before the session. It would not make sense to have everyone over here and then start scheduling a hearing. He pointed out that was the objective of the bill. It is for the chairman of a particular committee and the leadership.

**CHAIRMAN DUANE GRIMES** asked what is a standing committee in Subsection 2. **SEN BECK** said that a standing committee is the same as what the Legislature has such as the full Appropriations

Committee or the full Finance and Claims Committee. An interim committee is like the Finance Committee.

**SEN. HARRINGTON** said that he had seen in the past that a committee had been in Helena for a whole week before the session. They acted on bills before the session even started. **SEN. BECK** said that is what this bill is trying to do to make it legal.

**SEN. VICKI COCCHIARELLA** asked if the intention is to take official legislative action with true legislative hearings outside the session. **SEN. BECK** responded that the bill provides only for the standing committees to have bills and hearings ready for the whole Legislature to hear and act upon when the Special Session begins.

**SEN. COCCHIARELLA** asked what the motivation is behind the bill and is it a money saving measure. **SEN. BECK** said that it is a money saving measure and it is to make it so as to comply with the law.

**SEN. WATERMAN** felt they needed to get legal council to know how to hold a hearing on a bill that has not had first reading. She understands that they come into session and if they have to sit around for seventy-two hours while notice is being given, so be it. She felt it would be good to be able to give notice of the hearing before the Session begins. She also felt it is good to have everyone noticed so they could be in attendance to hear what is happening at the Session.

**SEN. BECK** said that this has been done and that is the problem. He wants to expedite the process.

**CHAIRMAN GRIMES** asked if part of the problem was because of the facilities that were available for the last Special Session.

**SEN. BECK** said he did not think it would have made any difference. If the bills could be heard prior to the Special Session and have executive action out of the committee, the bills could go directly to the House or Senate floor. The bills still would have to be transmitted to the other house.

**CHAIRMAN GRIMES** asked **Ms. Menzies** to respond. **Ms. Menzies** said that they do pre-introduce dozens and dozens of bills before the legislators arrive for regular session so that when the regular session begins there are bills to be presented to committees.

**SEN. JOHN COBB** suggested they ask **Greg Petesch** to come and explain the bill.

**SEN. HARRINGTON** said that in the last special session committees met on Thursday, Friday and Saturday and the next Friday and Saturday and then the session started the following Monday. There were lots of people there getting bills ready.

**SEN. BECK** said that this bill is trying to legalize what happened in the last special session.

**CHAIRMAN GRIMES** called for **Greg Petesch** to come to the meeting. He explained that the Legislative Administration Committee was asking if there could be committee meetings prior to the official opening of a special session.

**SEN. COCCHIARELLA** was not concerned about bills being readied for the beginning of a regular session of the legislatures. She was concerned about official hearings that are part of a special session and action being taken. The Legislature needs to be in session for official legislative action to take place.

**SEN. BECK** said that no official legislative action will be taken until the Legislature meets as a whole. Right now, committees do not take official legislative action, they just present the bills to the Committee of the Whole. That is when official action is taken.

**SEN. WATERMAN** addresses the main question: How can we hold an official hearing without being in session and take any kind of action. This would be a pre-introduced bill.

**Greg Petesch, Co-commissioner, Legislative Services Division.**

The bill before you is limited to pre-introduced legislation. Your legislative rules provide that pre-introduction constitutes first reading. You will be able to hear the bill because the law will say that you can hear the bill. Committees do not take formal action. Committees make recommendations to the Committee of the Whole. When you amend bills in committee, you are making recommendations. Those recommendations are not accepted until the chairman of the committee stands up on the Floor and moves the adoption of the committee report. At that point the committee report is accepted and that is when the recommendations of the committee become the official second reading copy.

**CHAIRMAN GRIMES** asked if it is the lead times of the hearings that present the problem of the seventy-two hour notice. **SEN. WATERMAN** said that she felt it was because of the seventy-two hour notice that was making it necessary to expedite the process. She has no problem with the seventy-two hour notice being given before hand or even having the bill pre-introduced. When they do pre-introduced bills now, no hearing is held on those bills until



the Legislature is in session. For example, she cited the speed limit bill. When they came to town the session was opened at 9:00 a.m., and at 9:15 a.m. a hearing was held on the bill that had been pre-introduced and a seventy-two hour notice given. She had no problem with that, but most bills are not a slam dunk. By and large, the special sessions that she had been involved in are considering tough issues. It is beneficial to have the entire legislature in session listening to those hearings.

**Closing by Sponsor:**

**SEN. BECK** closed.

**EXECUTIVE ACTION ON SB 180**

**Motion:** **SEN. BECK** moved that **SB 180 DO PASS.**

**Discussion:**

**CHAIRMAN GRIMES** said that serving in the Legislature is problematic at best. To return for a special session is even more difficult and if this bill would expedite the process it would be conducive for our citizen legislature to have the ability to do what was done in the last interim.

**SEN. HARRINGTON** said that he didn't disagree, but he felt that the whole legislature should be part of the whole process and not just a few prior to a special session. Special sessions are usually contentious and in consideration of difficult decisions. He had seen this happen before and it was not good.

**SEN. BECK** said that even in special session, not every legislator is sitting in on every hearing. The bill is not trying to cut out any legislator, only to expedite the process.

**SEN. WATERMAN** said there is the issue of holding a regular hearing on a bill that might take a couple of hours. This wouldn't be a great hardship on those not participating in the hearing. The other scenario is the one that **SEN. BECK** presented and that is if all the legislators are here for four days waiting on appropriations hearings to bring the budget into alignment then she felt that any and all should be present.

**Greg Petesch** asked for permission to make a comment: One of the things discussed at the Council meeting where this bill was requested, and has not been mentioned, was the idea of holding hearings prior to a special session to give the public more notice and more opportunity for the public to participate;

because, if you will recall in the last special session, they ended up with fourteen concurrent special sessions and over thirty bills and they were giving 10 minutes notice of the hearing of those bills. The idea was that if you could get the bills pre-introduced and hold the hearings ahead of time, you would be giving the public more opportunity to participate.

**Vote:** Motion **carried 4-2 with SENATORS HARRINGTON AND WATERMAN voting no.**

**SEN. MIGNON WATERMAN Moved** to create a Committee Bill for SB 212 to expand the title of the bill to include Title 5, Chapter 6. The **motion passed unanimously.**

#### **HEARING ON SB 124**

**Sponsor:** SEN. JOHN BOHLINGER, SD 7, BILLINGS

**Proponents:** None

**Opponents:** None

#### **Opening Statement by Sponsor:**

**SEN. JOHN BOHLINGER, SD 7, BILLINGS.** I bring this bill before you because so many bills that come before us are long and detailed. I admit that I am unable to read all the bills. This is a bold and honest statement. As a consequence, I rely on the committee to do their work by studying the bills and pass only those bills that represent good legislation. There is a problem because we enter into a "trust me" mode. We surrender some of the responsibility that we take on as legislators. Therefore, I believe an independent bill summary that is prepared by legislative council and the legislative finance committee would provide us with an important tool of evaluation. In the environment of term limits it becomes imperative for the legislature to have a helpful analysis of reasons for supporting or opposing a bill. We must not rely on the opinions from lobbyists. I realize that anything of value has a cost. I did not sign the fiscal note because I don't believe the evaluation would cost \$91,000. Not all the 1200 possible bills would take an hour to review nor is it feasible to have to pay someone \$60 per hour for this review. The cost should be considerably less. But whatever the cost, it would be money well spent.

**Proponents' Testimony: None****Opponents' Testimony: None****Questions from Committee Members and Responses:**

**SEN. TOM BECK** said that he felt it would be too risky to ask someone to write a summary of a bill that didn't meet with the explanation of the sponsor of the bill; there would be a crossfire. That was found that to be true with the fiscal note that was given on your bill. You didn't agree with that fiscal note. He added that he would not like to put the superb legislative staff in that position. **SEN. BOHLINGER** agreed that it might put the staff in an awkward position to tell a sponsor his or her bill was not worthy of supporting. He presented some statements from an email message from David Ness, Legislative Staff which actually were the words of Greg Petesch, Legislative Staff. "David said 'Greg does not disagree with me on the intent of the bill but he raised a number of issues for your consideration. 1. The existence of a summary may actually encourage some members not to read a bill. 2. There will be a cost to the bill, perhaps as much as one or two FTE's (Full Time Employee). 3. Requiring legislative staff to prepare for and against arguments puts the staff member in a bad position. (a) sometimes the only thing that can be said about a bill is that it is a lousy idea (b) we are now prohibited by council rule for preparing arguments for and against initiated measures because some killed bills turn into initiated measures. Preparing arguments for and against a bill hands proponents and opponents ready made arguments. (c) woe to the staffer who doesn't mention a particular argument or bill provision.'"

**CHAIRMAN DUANE GRIMES** asked what weight the bill summary would carry. He further asked if the review would be a summary of the intent. Statements of intent are used to capture legislative intent and has created some problems at times. **SEN. BOHLINGER** envisioned the summary as a document that would not be attached to the bill but as a separate finding/opinion that would state what the bill is trying to do. One paragraph or long sentence would be sufficient.

**SEN. JOHN COBB** stated that maybe a review could be optional and not prepared on every bill. He said that either the leadership or the sponsor could decide if a review would be necessary.

**CHAIRMAN GRIMES** asked if the intent of this bill was to have the review drafted along with the bill draft so that the sponsor could approve it. **SEN. BOHLINGER** wanted to maintain some level

of objectivity and felt that the opinion should not need the approval or disapproval of the sponsor.

**CHAIRMAN GRIMES** asked if the review would be too dissimilar to the title of the bill. **SEN. BOHLINGER** said that the title of a bill is part of the thought, but providing arguments for and against expand that concept. Addressing the issue of the cost, there are lobbyists that spend a lot of time and money studying issues. Possibly they could present an argument for and against a bill.

**CHAIRMAN GRIMES** asked **Lois Menzies** to respond. She felt that **Greg Petesch** did a good job in sharing his thoughts, and the hearing is precisely where the opponents and proponents present those arguments for the legislators.

**Closing by Sponsor:**

**SEN. BOHLINGER** closed. I would like the committee to give some thought to **SEN. COBB'S** suggestion that not all bills would need a review.

**EXECUTIVE ACTION ON SB 124**

**Discussion:**

**SEN. COBB** suggested that possibly on the very large bills there could be an index so certain issues could be found.

**Lois Menzies** said that if a request is made to index a large bill or to cross reference it to make the legislator's job easier, then certainly staff would rise to the occasion. That is much different than identifying the pros and cons of a bill.

**Motion/Vote:** **SEN. COBB** moved that **SB 124 BE TABLED**. Motion passed unanimously.

**ADJOURNMENT**

Adjournment: 6:30 P.M.

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SEN. DUANE GRIMES, Chairman

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MARY GAY WELLS, Secretary

DG/MW

**EXHIBIT (les14aad)**